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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,775	03/06/2002	Geoffrey B. Rhoads	220430US25CONT	1576
22850	7590	07/13/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			VU, VIET DUY	
		ART UNIT		PAPER NUMBER
		2154		

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/090,775	RHOADS, GEOFFREY B.
	Examiner	Art Unit
	Viet Vu	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 May 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-95 is/are pending in the application.

4a) Of the above claim(s) 84-95 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-83 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) 84-95 are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

**Restriction:**

1. Newly submitted claims 84-95 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

This application contains claims directed to the following patentably distinct species of the claimed invention:

I. Claims 2-4, 8-9, 32-34, 38-39, 62-64, 67-69 are directed to data encoded on a physical medium that is readable by conventional data scanners.

II. Claims 84-95 are directed to steganographically encoded digital data on images.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 5-7, 10-31, 35-37, 40-61, 65-66 and 70-83 are generic.

2. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 84-95 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

**Art Rejections:**

3. The text of 35 U.S.C. 103(a) cited in the previous office action is hereby incorporated by reference.

4. Claims 1-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz, U.S. pat. No. 6,199,048, in view of Veeneman et al, U.S. pat. No. 5,754,981.

Per claims 1-6, 10, 13-16 and 21-23, Hudetz discloses a system and method for connecting a user to a remote site over a network comprising:

- a) reading a data carrier, i.e., barcode, modulated with an index (see col 6, lines 8-60),
- b) extracting a pointer, i.e., URL or IP address, from the barcode (see col 7, lines 1-42),
- c) using the pointer to establish communication with the remote computer (see col 9, lines 17-20).

In the disclosure of the provisional application, filed 6/20/1995, Hudetz does not teach using an index database for storing information related to the product including URLs. The use of such online index database is well known in the art at the time the present application was filed as disclosed by Veeneman (see Veeneman in col 9, lines 29-37). Such index database would allows making changes to information related to the product more easily (see Veeneman in col 9, lines 37-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize such a conventional index product database in Hudetz for storing

production information including prices and network links (e.g., URLs) because it would have allowed making changes to the related product information more easily.

Per claims 7, Hudetz does not explicitly teach encoding the index with an audible signal.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to practice Hudetz's invention with any conventional data carriers including audible signals because it would have further enhanced the utility of Hudetz's system (see col 6, lines 61-67).

Per claims 8-9, Hudetz teaches encoding the index in other conventional formats including magnetic strips or OCR (see col 6, lines 61-67).

Per claims 11-12, 24-28 and 30, Hudetz also teaches implementing the database at a service provider, a search engine, or distributing over multiple computers (see col 7, lines 43-67).

Per claims 17-20, Hudetz further teaches that each index comprises two fields wherein only the first field may be used to retrieve the pointer (see col 6, lines 20-27 and col 8, lines 47-63).

Per claim 29, an official notice is taken that the use of password to access a network database is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a conventional user authentication measure in Hudetz because it would have enabled the system to verify authorized user.

Claims 31-83 are similar in scope as that of claims 1-30 and hence are rejected for the same rationale set forth above for claims 1-30.

**Response to Amendment:**

5. Applicant's arguments filed on 5/13/05 with respect to claims 1-83 have been fully considered but they are moot in view of new grounds of rejection set forth above. Particularly, a new art, Veeneman, is now applied in response to applicant's request for a reference other than applicant's disclosure to show the claimed index database.

6. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED

STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIET D. VU  
PRIMARY EXAMINER

Art Unit 2154  
7/8/05